

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/01/2021
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JOANNE NOEL HIGGINS,

Plaintiff,

-v-

120 RIVERSIDE BOULEVARD AT TRUMP PLACE  
CONDOMINIUM, THE BOARD OF MANAGERS OF  
120 RIVERSIDE BOULEVARD AT TRUMP PLACE  
CONDOMINIUM, MICHAEL RITCHKEN,  
INDIVIDUALLY AND AS PRESIDENT OF THE  
BOARD OF MANAGERS OF 120 RIVERSIDE  
BOULDEVARD AT TRUMP PLACE  
CONDOMINIUM, AKAM ASSOCIATES, INC.,  
RONALD STARCIC, CARLOS A. GALLIANI, and  
NANCY GALLIANI,

Defendants.  
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21-cv-4203 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Defendants 120 Riverside Boulevard at Trump Place Condominium, the Board of Managers of 120 Riverside Boulevard at Trump Place Condominium, Michael Ritchken, individually and as President of the Board of Managers of 120 Riverside Boulevard at Trump Place Condominium, AKAM Associates, Inc., and Ronald Starcic (collectively, the “Condominium Defendants”) move to strike the jury demand as to Plaintiff’s first ten causes of action. Dkt. No. 67. The Condominium Defendants argue that Plaintiff has no right to a jury trial on her eighth cause of action for injunctive relief or her ninth cause of action for declaratory relief and that Plaintiff should be deemed to have waived her right to a jury trial on the remaining claims because Plaintiff incorporates by reference the allegations supporting those claims. Dkt. No. 70.


The Condominium Defendants’ motion is DENIED. Plaintiff indisputably enjoys no jury trial right on the eighth and ninth causes of action. *See Stonewall Ins. Co. v. Nat’l Gypsum Co.*, 1992 WL 281401 (S.D.N.Y. Sept. 25, 1992). However, the state law claims stand on their own. “[I]f a legal claim is joined with an equitable claim, the right to jury trial on the legal claim, including all issues common to both claims, remains intact.” *Tull v. United States*, 481 U.S. 412, 425 (1987) (internal quotation marks omitted). The law could hardly be otherwise.

In opposition, Plaintiff argues that an advisory jury should decide the fact issues

underlying her equitable claims. Dkt. No. 75 at 4. She has not moved for such relief, and any such motion would be premature. Therefore, the Court does not address it.

SO ORDERED.

Dated: November 1, 2021  
New York, New York



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LEWIS J. LIMAN  
United States District Judge